



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.:

09/944,521

Filed: August 31, 2001 Inventor(s):

James Grey and Douglas

Melamed

Title:

SYSTEM AND METHOD

**ENABLING** 

ASYNCHRONOUS

**EXECUTION OF A TEST** 

EXECUTIVE SUBSEQUENCE

Examiner:

Banankhah, Majid A.

Group/Art Unit:

2195

Atty. Dkt. No:

5150-49600

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

Signature

Date

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER CFR 1.181(a)

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Applicant hereby submits this Petition in response to the Notice of Abandonment in the above-identified application. The notice indicates Applicant did not submit a timely payment of the required issue fee in the amount of \$1,400.00. The notice indicates that the Applicant did, however, submit a timely payment of the required publication fee in the amount of \$300.00.

Applicant submits that the authorization to charge the required issue fee payment in the amount of \$1,400.00 and the required publication fee in the amount of \$300.00 were mailed on August 8, 2005 on the same Form PTOL-85. Attached are a true and correct copy of the signed and dated Form PTOL-85 which was submitted in duplicate on August 8, 2005 and a copy of the return receipt postcard stamped as received by the U.S. Patent Office on August 11, 2005, which evidences the previous submission of the authorization to charge the required issue fee payment.

Applicant respectfully requests entry of this Form PTOL-85 in the application and requests that the Notice of Abandonment be vacated or withdrawn.

No fees are believed necessary; however, should any fees be required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-49600/JCH.

Respectfully submitted,

Jeffrey C. Hood Reg. No. 35,198

ATTORNEY FOR APPLICANTS

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  $_{\scriptscriptstyle /}$ 

P.O. Box 398

Austin, TX 78767-0398

Phone: (512) 853-8800 Date: /2/7/2005

PART B - FEE(S) TRANSMITTAL Mail Stop ISSUE FEE Complete and send this form, together with applicable fee(s), to: Mail Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 (571) 273-2885 or Fax maintenance fee notifications. Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must like the contraction of mailing or transmission. CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address) DEC 0 9 2005 07/19/2005 Certificate of Mailing or Transmission JEFFREY C HOOD JEFFREY C HOOD
MEYERTONS HOOD KIVLIN KOWERT AND GOENEY PC I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. P O BOX 398 AUSTIN, TX 78767-0398 Jeffrey C. Hood (Simate (Date 2005 CONFIRMATION NO. ATTORNEY DOCKET NO. FILING DATE FIRST NAMED INVENTOR APPLICATION NO. 51:50-49600 08/31/2001 James Grev 09/944,521 TITLE OF INVENTION: SYSTEM AND METHOD ENABLING ASYNCHRONOUS EXECUTION OF A TEST EXECUTIVE SUBSEQUENCE TOTAL FEE(S) DUB DATE DUE PUBLICATION FEE APPLN. TYPE SMALL ENTITY ISSUE FEE 10/19/2005 \$1700 \$300 \$1400 nonprovisional CLASS-SUBCLASS ART UNIT **EXAMINER** 2195 714-025000 BANANKHAH, MAJID A Meyerions Hood Kivlin Kowe Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list & Goetzel, P.C. (1) the names of up to 3 registered patent attorneys ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. Jeffrey C. Hood "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. Jason L. Burgess 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY) National Instruments Corporation Austin, TX Please check the appropriate assignee category or categories (will not be printed on the patent) : 🚨 Individual 💢 Corporation or other private group entity 🚨 Government 4b. Payment of Fee(s): 4a. The following fee(s) are enclosed: issue Fee A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. Publication Fee (No small entity discount permitted) 5. Change in Entity Status (from status indicated above) ■ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. **Authorized Signature** 

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Jeffrey C. Hood

Typed or printed name \_

Registration No.

35.198



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):

James Grey and Douglas Melamed

Assignee:

National Instruments Corporation

Serial No.:

09/944,521

Filing Date:

August 31, 2001

Title:

SYSTEM AND METHOD ENABLING ASYNCHRONOUS

EXECUTION OF A TEST EXECUTIVE SYSTEM CE

Atty. Dkt. No.:

5150-49600

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon' will acknowledge receipt of the attached 1) Form PTOL-85B (in duplicate); and 2) Return Postcard.

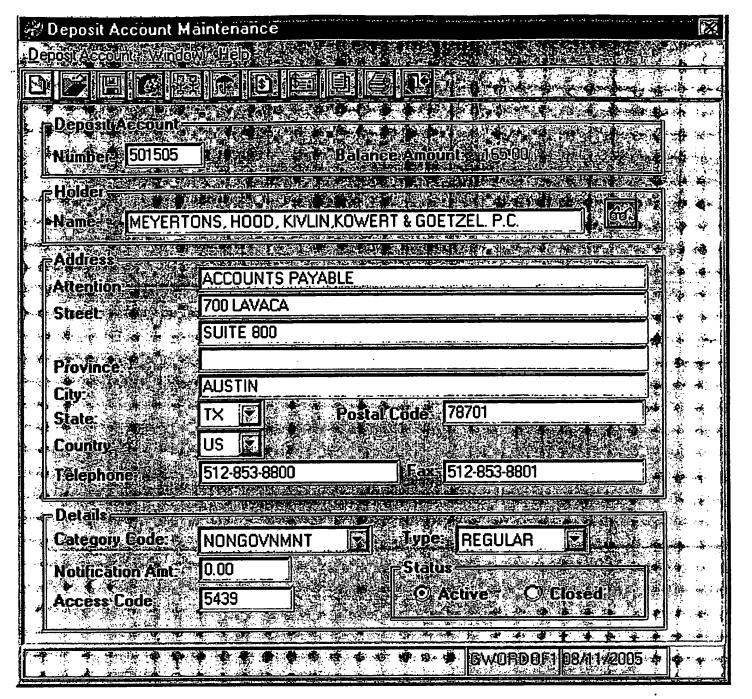
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## NOTICE OF FEE DUE

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APPLICATION NO.	FILING DATE		FIRST NAMED	INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
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CFR 1.363).  Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  "Fee Address" Indication form  ETO/SB/167: Per 03-02 or more recent) attached. Use of a Changer			(1) the nam	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  (2) the name of a single firm (having as a member a				
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			registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is 3 Jason L. Burgess listed, no name will be printed.					
3. ASSIGNEE NAME AN	D RESIDENCE DATA TO	E PRINTED ON	THE PATENT	(print	or type)			
PLEASE NOTE: Unles recordation as set forth	s an assignee is identified b in 37 CFR 3.11. Completion	elow, no assignee of this form is NO	data will appe or a substitute f	ear on t for filin	the patent. If an assignment.	nce is identified below, the	document has been filed	
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Jeffrey C. Hood

**Authorized Signature** 

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35.198

Date

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